

**Article 7: Gaslamp Planned District**

(“GaslampPlanned District” added 3-27-2007 by O-19588 N.S.;  
effective 4-26-2007.)

**Division 2: Permits and Procedures**

(“Permits and Procedures” added 3-27-2007 by O-19588 N.S.;  
effective 4-26-2007.)

**§157.0201 Procedures for Special Permit Application and Review**

(a) Special Permit Required

- (1) After August 14, 1976, a special permit shall be required prior to application for any City permit or license within the Gaslamp Quarter Planned District. No person shall commence any work in the erection of any new building or structure, including those moved into the Gaslamp Quarter Planned District, the remodeling, alteration, addition or demolition of any existing building, grading or landscaping within the Gaslamp Quarter Planned District, or put any building or structure within the Gaslamp Quarter Planned District to any use, without first obtaining a special permit in accordance with this section.
- (2) In addition to this special permit, all applicable building code requirements must be met for any alteration, addition or repair of a building.

(b) Content

The application shall include the following:

- (1) A description of the purposes for which the proposed building, structure or improvement is intended to be used; or the new or different purposes for which the existing building or structure is to be used.
- (2) In the case of the erection, remodeling, alteration, addition to or demolition of any building or structure, or the moving of a building into the Gaslamp Quarter Planned District, or any grading or landscaping:

- (A) Adequate plans and specifications indicating proposed uses, lot area, lot coverage and off-street parking;
  - (B) Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials and architectural design of the exterior;
  - (C) Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety; and
- (3) An application for a special permit shall be obtained from the President. An application for a special permit will be accepted upon payment of a fee as required by Land Development Code Chapter 11, Article 2, Division 2 (Fees and Deposits).
- (4) Any other information deemed necessary by the President to judge compliance with the regulations contained in this Planned District Ordinance and other applicable laws and regulations.
- (c) Determination

Upon submittal by the applicant of basic concept drawings and review of those basic concept drawings, the President may approve, modify or disapprove any application for a special permit. In approving the special permit, the President may impose reasonable conditions to ensure compliance with these regulations. The President shall not approve an application for a special permit except upon determining that the building, structure or improvement and use for which the special permit was applied (1) is consistent with the California Building Code and Fire Code and the regulations in this Planned District Ordinance, and (2) will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare of the city and is not detrimental to implementation of the Gaslamp Quarter Redevelopment Plan. Action by the President shall include a statement that the President finds that the building, structure, or improvement or use for which the special permit was applied does or does not conform to the regulations in this Planned District Ordinance. In the event the President does not approve an application for a special permit, the specific facts on which the determination is based shall be included in the written decision as provided for in Section 157.0201(d) (Notification).

The Building Official of the City of San Diego may approve special permit applications of an emergency nature without prior approval of the President, if such actions are to rehabilitate any condition which renders a building unsafe or to demolish the structure for the same reasons. All such actions by the Building Official shall be immediately reported to the President.

(d) Notification

Within 60 days after the submission of a complete application to the President, the President shall as required in Section 157.0201(c), send his or her decision in writing to the applicant and, if legally required, to the Building Official and City Engineer, except when the applicant requests or agrees to an extension of time regarding this notification.

(e) Issuances

Upon approval and issuance of the special permit by the President, the applicant will be directed to appropriate City of San Diego department(s) to obtain any additional City permits and licenses necessary for the applicant to complete his or her project. These additional permits and licenses shall conform to all of the other regulations and ordinances of the City.

(f) Conditions

Any special permit granted by the President to use the property or for work to be performed as provided for in Section 157.0201, shall be conditioned upon the privileges granted being utilized within 18 months after the date of issuances of the special permit. Failure to commence the use or start work within this 18-month period will automatically void the special permit unless an extension of time has been granted by the President as set forth in Section 157.0201(g). Construction must actually be commenced within the stated period and must be diligently pursued to completion. If the President finds that the use has not commenced or there has been no construction substantial in character since the date of the issuance of the special permit, or that there has been during the course of development, a lapse of work for 6 months, the special permit shall become void.

(g) Extension of Time to a Valid Special Permit

The President may grant an extension of time up to 3 years on the time limit contained in a currently valid special permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the President in the office of the Centre City Development

Corporation ("CCDC") prior to the expiration of the special permit. The President may grant the extension of time if he or she finds from the evidence submitted that there has been no material change of circumstances since the special permit was originally granted. Land Development Code Section 129.0219 shall also apply for extension of building permits issued in conjunction with this special permit.

(h) Revocation

The President may at any time revoke a special permit issued under this Section. Prior to revocation, the holder of the special permit shall be given a hearing after 10 calendar days' notice. After such a hearing, the President may revoke a permit upon determining:

- (1) That the building or structure for which the permit was issued is being used for purpose other than or in addition to the purposes and manner described in the special permit application;
- (2) That the holder of the special permit has knowingly permitted criminal activity to take place on the premises or has failed to take reasonable steps to make the premises safe and secure from criminal activity. Successive criminal activity over any continuous period of time shall be deemed evidence of knowing permission of criminal activity;
- (3) That the use or operation of the building or structure for which the special permit was issued is contrary to these regulations or any other laws or regulations; or
- (4) That the use or operation of the building or structure for which the special permit was issued is detrimental or injurious to: (a) the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood; (b) property and improvements in the neighborhood; (c) the general welfare of the city; or (d) to the implementation of the Gaslamp Quarter Redevelopment Plan.

*("Procedures for Special Permit Application and Review" added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)*

**§157.0202 Appeals to the Planning Commission**

(a) Filing

If the President denies or conditionally approves an application, the applicant may appeal from that decision to the City Planning Commission within 10 working days after the decision is filed with CCDC. Appeals shall be noticed

and heard in accordance with Land Development Code Chapter 11, Article 2, Division 5 (Decision Process). The appeal shall be in writing and filed in duplicate with CCDC upon forms provided by the CCDC. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the Planning Commission.

(b) Public Hearing

Upon the filing of the appeal, CCDC shall set the matter for public hearing before the Planning Commission giving the same notice as provided in Land Development Code Chapter 11, Article 2, Division 3 (Notice). The President shall transmit to the Planning Commission a copy of his or her decision and findings, and all other evidence, maps, papers and exhibits upon which the President made the decision.

(c) Decision of the Planning Commission

Upon the hearing of an appeal, the Planning Commission may by resolution, affirm, reverse, or modify, in whole or in part, any determination of the President. The Planning Commission decision is final.

*(“Appeals to the Planning Commission” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)*

**§157.0203 Conditional Use Permits**

(a) Notwithstanding the provisions of Section 151.0401, the President is the decision maker for the purpose of granting Conditional Use Permits within the boundaries of the Gaslamp Quarter Planned District delineated in Section 157.0102.

(b) The President shall grant Conditional Use Permits according to the provisions of Section 151.0401, Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), and Chapter 14, Article 1 (Separately Regulated Use Regulations).

*(“Conditional Use Permits” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)*

**§157.0204 Alcoholic Beverage Sale Permit Application**

Application for an Alcoholic Beverage Sale Permit must be made by the tenant of the property affected and prior to any application to the Alcoholic Beverage Control Board. Application shall be filed with the City Manager and shall state fully the circumstances and conditions relied upon as grounds for the application, and shall be accompanied by adequate plans, a legal

description of the property involved and a detailed description of the proposed use. Prior to the filing of an application, the applicant shall file a fee equal to the cost of processing said application. Fees and deposits will be adjusted periodically by resolution of the City Council to ensure full cost recovery for services. A list of current fees and deposits is on file in the office of the City Clerk.

(a) Alcoholic Beverage Sale Permit Approval

- (1) Criteria for consumption of Alcoholic Beverages "on the premises of the sale": In addition to the criteria in Section 157.0201(d), the following criteria shall be used by the President in making his or her determination regarding the issuance of an Alcoholic Beverage Sale Permit for the sale of alcoholic beverages within the Gaslamp Quarter:
  - (A) The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property and the intended use must be in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance and all other relevant regulations in the Municipal Code.
  - (B) Application shall be for a location currently under significant rehabilitation and or new construction or where significant rehabilitation and/or new construction has been completed.
  - (C) Liquor, beer and wine sales shall not exceed 50 percent of the total gross sales of the business conducted at that location. Food may be served throughout the premises at anytime. Entertainment with amplification is permitted throughout the premises.
  - (D) The proposed use will not adversely affect the General Plan, the Centre City Community Plan, or the Gaslamp Quarter Redevelopment Plan.
- (2) Criteria for consumption of alcoholic beverages "off the premises of sale": In addition to the criteria in Section 157.0201(c), the following criteria are used by the President in making his or her determination regarding the issuance of an Alcoholic Beverage Sale Permit for the sale of alcoholic beverages within the Gaslamp Quarter:

- (A) The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property and the intended use must be in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance and all other relevant regulations in the Municipal Code.
  - (B) Application shall be for a location currently under significant rehabilitation and or new construction, or where significant rehabilitation and/or new construction has been completed.
  - (C) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
  - (D) No malt beverage products shall be sold in less than six-pack quantities per sale.
  - (E) No wine shall be sold with an alcoholic content greater than 15 percent by volume.
  - (F) No refrigerated or otherwise chilled alcoholic beverages shall be sold or maintained on the licensed premises.
  - (G) Quarterly gross sales of alcoholic beverages shall not exceed 20 percent of the quarterly gross sales of the establishment.
  - (H) No alcoholic beverage shall be sold or delivered except between the hours of (10 a.m.) and (10 p.m.) of each day of the week.
  - (I) No pool tables or amusement devices shall be maintained on the licensed premises.
  - (J) The proposed use will not adversely affect the General Plan, the Centre City Community Plan, or the Gaslamp Quarter Redevelopment Plan.
- (3) Decision. The President may grant an Alcoholic Beverage Sale Permit containing each of the above conditions for a use which includes the sale of alcoholic beverages within the Gaslamp Quarter. The President may also grant, with Police Department comment, an Alcoholic Beverage Sale Permit with additional conditions as follows:
- (A) Allowing the sale of refrigerated or otherwise chilled alcoholic beverages and/or

- (B) Allowing the off premises quarterly sales of alcoholic beverages not to exceed 50 percent of the quarterly gross sales of the establishment and/ or
- (C) Allowing uses as identified in Section 157.0204(b)(1) relief from Section 157.0204(a)(1)(C).

The President may grant such Permit, if, after considering the facts presented in the application and at the hearing, concludes that the criteria set forth above and in Section 157.0201(c) have been met. In granting this Permit, the President may impose reasonable conditions to ensure compliance with the provisions of 157.0204.

- (D) Revocation of the Alcoholic Beverage Sale Permit. The City Manager may revoke an Alcoholic Beverage Sale Permit if conditions as set forth in the Permit are not being met.
- (b) Uses involving sale of alcoholic beverages in the entertainment district. If any proposed use includes the sale of alcoholic beverages, an applicant, in addition to the information required by Section 157.0201(b), shall include the information required by Section 157.0204 and such uses shall be governed by the additional requirements of Sections 157.0204 and 157.0303.
- Restricted Uses

- (1) An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "on the premises of the sale" shall be issued to only the following uses:
  - (A) Nightclubs and supper clubs
  - (B) Restaurants (defined as businesses that regularly serve food, excluding drive-in and drive-through).
  - (C) Dinner Theaters
  - (D) Entertainment Clubs, Comedy Clubs, etc.
- (2) An Alcoholic Beverage Sale Permit for a use which includes the sale of alcoholic beverages for consumption "off the premises of the sale" shall be issued to only the following uses:
  - (A) Delicatessens



(B) Drug stores

(C) Food stores

(D) Restaurants

*(“Alcoholic Beverage Sale Permit Application” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)*

**§157.0205 Removal of Damaged Historic Structures**

If any building or structure of architectural or historic value or interest is damaged by earthquake, fire, or act of God to such an extent that in the opinion of the President and the Building Official it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for its removal.

*(“Removal of Damaged Historic Structures” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.)*

**§157.0206 Previously Conforming Uses**

(a) Termination

The existence of certain previously conforming uses such as card rooms and arcades has attracted undesirable and criminal behavior. This criminal activity makes it increasingly difficult for other shops and businesses in the Gaslamp District to prosper and threatens the safety of visitors and residents of the Gaslamp Quarter. The following previously conforming uses shall be discontinued:

- (1) Card rooms. The use of property for a card room shall be terminated within one year from the effective date of the ordinance adopting the Gaslamp Quarter Planned District Ordinance whereupon the City Manager shall immediately notify the property owner and/or Business Operator of such termination.
- (2) Arcades. The use of property for an arcade shall be terminated within one year from the effective date of Ordinance No. O-11870 adopting the Gaslamp Quarter Planned District Ordinance whereupon the City Manager shall immediately notify the property owner and/or Business Operator of such termination.

## (b) In General

Except for card rooms and arcades, previously conforming uses shall be governed by Land Development Code Chapter 12, Article 7, Division 1 (Previously Conforming Premises and Uses) and the provisions of the Gaslamp Quarter Redevelopment Plan. (*“Previously Conforming Uses” added 3-27-2007 by O-19588 N.S.; effective 4-26-2007.*)